

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FIDELITY INFORMATION SERVICES, INC.,

Plaintiff,

v.

DEBTDOMAIN GLMS PTE LTD., ET AL.,

Defendants.

Case No. 09-cv-07589-LAK

ECF Case

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Robert A. Schwinger dated September 14, 2010 and the exhibits annexed thereto, and the accompanying Memorandum of Law, and all the prior pleadings and proceedings had herein, defendants shall move this Court on a date to be designated by the Court, for an order, pursuant to Fed. R. Civ. P. 37(b) and the inherent powers and authority of the Court, imposing sanctions upon plaintiff Fidelity Information Services, Inc. ("Plaintiff") for spoliation of evidence, including but not limited to:

(1) dismissing Plaintiff's claims against Defendants, or alternatively entering a mandatory presumption that relevant evidence existed that has now been destroyed or is now missing because of Plaintiff's wrongful actions, that such evidence would have been harmful to Plaintiff's position in this case and favorable to Defendants, and that it would have supported the defenses raised by Defendants against Plaintiff's claims in this lawsuit; and

(2) awarding Defendants monetary sanctions to compensate the Defendants for the reasonable costs and attorneys' fees they incurred in bringing this motion for sanctions, and the costs and attorneys' fees Defendants incurred by deposing Plaintiff's Rule 30(b)(6) witnesses regarding Plaintiff's document destruction and litigation holds (Rahbari and Coelho); and

granting defendants any such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
September 14, 2010

CHADBOURNE & PARKE LLP

By /s/ Scott S. Balber

Scott S. Balber

A Member of the Firm

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